

CERTIFIED TRUE COPY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF:

Melvin Feiler, D.D.S.  
License No. 6682

Administrative Action

: CONSENT ORDER

TO PRACTICE DENTISTRY IN THE :  
STATE OF NEW JERSEY

This matter having been opened to the Board on the Attorney General's complaint alleging that Melvin Feiler, D.D.S. (hereinafter "Respondent") during the period 1977 to 1983 engaged in unlawful billing practices by waiving insured patients' co-payments without advising insurance carriers of said waiver; and it appearing that said practice was found to be unlawful by the Superior Court of New Jersey on July 5, 1983 and thereafter by the Board, and it further appearing that on February 8, 1990 Respondent obtained a verdict in private litigation, said proceeding, among other things, indicating that Respondent had disclosed his practices to certain insurance carriers who acquiesced in Respondent's practice or took corrective action with regard thereto; and it further appearing that Respondent no longer waives insured patients' co-payments, and that a Board regulation prohibiting undisclosed waiver of co-payments has been adopted; and it further appearing that resolution of the within

matter by this order is in the public's interest,

IT IS ON THIS 27th DAY OF MARCH, 1990,

ORDERED AND AGREED:

1. Respondent's license to practice dentistry shall be suspended for a period of six (6) months. Said suspension shall commence as of March 28, 1990 and shall conclude 180 days thereafter on September 23, 1990. The following shall be permissible or impermissible activities, as the case may be, during the period of license suspension:

a. Dr. Feiler shall not perform any dental operation or procedure as contemplated by N.J.S.A. 45:6-19 upon any patient.

b. Dr. Feiler shall not directly or indirectly engage in any patient contact or the dental care rendered to any patient.

c. Dr. Feiler's name shall not appear in any announcement, advertisement or solicitation or offering of dental services by Eastern Dental Centers within the State of New Jersey or any other New Jersey practice entity in which Dr. Feiler possesses a financial interest.

d. Except as expressly noted in this subparagraph, Dr. Feiler shall not be physically present in any area where the clinical practice of dentistry is or may be rendered in any New Jersey Eastern Dental Center or any other practice entity in which Dr. Feiler possesses a financial interest in the State of New Jersey. The within restriction shall not apply where Dr. Feiler is a bona fide patient receiving dental services provided that Dr. Feiler causes a clear note to be inserted in the patient's record reflecting the date, time and the nature of dental services rendered. Dr. Feiler shall also be permitted access to Eastern Dental Center premises in the event of any bona fide emergency affecting said premises, which shall include fire, flood, natural disaster or any other major matter involving law enforcement officials.

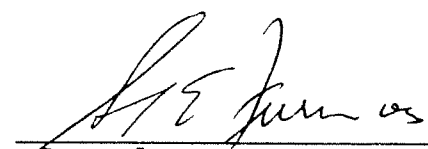
The Board and the Attorney General acknowledge that Dr. Feiler is engaged, as a patient, in a course of treatment including fixed bridgework (performed by Dr. Morgenstern at Eastern Dental Center of Old Bridge) and periodontal scaling (performed by a dental hygienist under the auspices of Dr. Aaron Prestup at Eastern Dental Center of Woodbridge).

e. Dr. Feiler shall not be limited in his access to, or presence in, any premises, occupied by Dimensional Management Corp nor shall he be prohibited from receiving any bona fide income, capital or equity distribution therefrom.

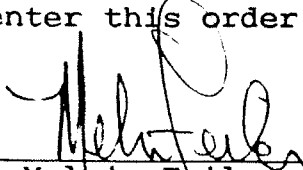
f. Dr. Feiler shall not accept or receive any income, capital or equity distribution from any New Jersey Eastern Dental Center or any other practice entity in which he possesses a financial interest in the State of New Jersey during the period of suspension, provided however, any such stated distribution may be deferred until after the period of suspension imposed by the Board.

g. Dr. Feiler shall not either individually or on behalf of Dimensional Management Corp. solicit, negotiate for or enter into any contract with any union or other employee representative groups for the providing of dental services by any New Jersey Eastern Dental Centers or any other dental practice entity in which Dr. Feiler possesses a financial interest.

2. Respondent shall pay a civil penalty in the amount of \$375,000 to the Board not later than May 1, 1990. Said monies shall be tendered to the Board's Executive Director in the form of a certified or attorney trust account check and shall be made payable to the New Jersey State Board of Dentistry.

  
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Samuel Furman, D.D.S., President  
State Board of Dentistry

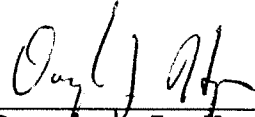
I have read and understand the terms and conditions of this Order. I agree to be bound by them, and I hereby give my consent to the Board to enter this order.



Melvin Feiler, D.D.S.


Consented as to form and entry:

ROBERT J. DEL TUFO  
ATTORNEY GENERAL OF NEW JERSEY

By: 

Douglas J. Harper  
Deputy Attorney General

DEUTCH SHUR ~~& WARD~~ P.C.  
Counsel for Respondent

By:   
Victor A. Deutch, Esq.